

Report Title:	Recommended changes to the constitution with regards Planning matters based on the findings of the PHOSP Task and Finish group.
Contains Confidential or Exempt Information?	No
Member reporting:	Cllr Richard Kellaway – Chairman of Task and Finish Group
Meeting and Date:	Council - 25 September 2018
Responsible Group	Planning & Housing Overview & Scrutiny Task and Finish Group
Wards affected:	All

REPORT SUMMARY

The Task and Finish group has conducted an in-depth look at the Planning Service and the practical working of the Constitution in relation to planning matters and has come to a number of recommendations.

These recommendations are set out below. It is recommended that the sections of the constitution referring to planning matters are changed in order to adopt a more efficient set of arrangements with regards planning matters. These constitutional changes have been drafted and form Appendix 1 and Appendix 2 of this report.

1 DETAILS OF RECOMMENDATIONS

MAIN RECOMMENDATION:

That Council acknowledge and endorses the findings of the PHOSP Task and Finish group and:

- i) Approves the amendment of the Council's constitution with the attached interim planning constitutional arrangement (Appendix 2) with immediate effect until 2nd May 2019.**
- ii) Approves the amendment of the constitution with the attached permanent planning constitutional arrangement (Appendix 1) with effect from 3rd May 2019.**

2 BACKGROUND

- 2.1 The Task and Finish group was created to review planning matters and matters relating to the Constitution Review process. The Task and Finish Group met on a number of occasions throughout spring and summer 2018 and then met to discuss the group's conclusions. The group has come to a number of recommendations and these are detailed below.
- 2.2 The Council's Constitution sets out which planning applications must be determined by Development Management Panels and which may be determined under delegated authority by the Head of Planning. The constitution also sets out the number of panels, which items go to which panel and a number of operational matters.

2.3 The recommendations of the T& F group have been noted by Cabinet. Cllr Simon Dudley, The Leader of the Council and Cllr David Coppinger Lead Member for Planning have noted the recommendations. Both have requested that their full support for the recommendations of the group and the adoption of the changes to the constitution relating to planning matters be noted in this report.

2.4 The final recommendations will also have been considered at PHOSP on Thursday 20th September 2018. Any comments will be reported in the Council update.

3 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

3.1 The reasons for each recommendation are set out in the main recommendations section of this report.

3.2 Options:

Table 1: Options arising from this report

Option	Comments
<p>Approve and adopt the interim and permanent constitutional recommendations of the PHOSP T&F Group with regards planning.</p> <p>This is the recommended option</p>	<p>This option is informed by the work of the Task and Finish Group. It would provide a more efficient set of arrangements that will make better use of Member and Officer time.</p> <p>This arrangement also would lead to financial savings to the Council</p>
<p>Do not approve and adopt the interim and permanent constitutional recommendations of the PHOSP T&F Group</p> <p>This is not the recommended option</p>	<p>This option would continue with the current arrangements. It is the view of the Task and Finish group that the current arrangements are less efficient than the ones proposed by the group.</p> <p>Given the decrease in members from 57 to 41 for following the election the existing arrangements would place a significantly greater burden on member time than the proposed.</p> <p>The current arrangements have a greater financial impact on the Council than the group's proposal.</p>

4 MAIN RECOMMENDATIONS OF THE TASK AND FINISH GROUP AND KEY IMPLICATIONS

- A. Combine the Windsor Area Development Management Panels (with effect from May 2019).
- B. Increase number of members on area panels to 11 with effect from May 2019. (No substitute members to be permitted less than 24 hours before a planning meeting).

- C. Move panels on to a monthly cycle from May 2019 (as opposed to 4 weekly).
- D. Suggested mechanism for applications for be called to Borough-Wide Panel to be developed by the Head of Planning (Draft wording has been provided to the group).
- E. From May 2019 it is recommended that the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough along with a dedicated Chairperson.
- F. That planning enforcement items should be reported to the chair of the relevant panel (in consultation with Ward Members) who can opt to call them before the relevant area panel.
- G. That the Rights of Way and Highways Licensing Panel is not combined with any planning panel. (This has already been agreed by Full Council in May 2019)
- H. Area Panels should continue to meet in the respective areas that they represent. It is recommended that the Council should consider improved technology options for meetings.
- I. That the trial on Public Speaking is brought to an end. (note this has already been actioned following approval by this Panel and a separate report on Public Speaking will be brought to Full Council).

Number of Area panels:

- 3.1 The T&F group discussed the number of panels, decision making in general and how panels might be made up. It was noted by the group that there had been a number of Windsor Rural Area Panel meetings and Windsor Urban Area Panel meetings that had very short agendas or had been cancelled all together. Officers reported to the Group that the number of applications in the two Windsor areas combined equated to the number of applications received in the Maidenhead Panel Area and this was likely to have been a contributing factor in the smaller agendas at the two Windsor panels.
- 3.2 The group noted that the total number of members will reduce from 57 to 41 after the next election putting further pressure on the 41 remaining members' time. There was consensus amongst the group (and guest members attending) that the two Windsor Area Panels should be combined. This would mean an even workload for the two area panels and is considered to be the right number of panels when member numbers reduce to ensure effective use of member time. However, the T&F group recommends that this change is not considered for implementation until after the reduction in member numbers has occurred following the elections in **May 2019**. The recommended merger would reduce the total number of area panel meetings held by 13 evening meetings, whilst also ensuring that local member led decision making is retained. This would also reduce pressure on Democratic Services, Planning and other related services.

Recommendation 1: Combine the Windsor Area Panels (with effect from May 2019)

Size and make up of panels:

- 3.3 If the recommendation to combine the Windsor area panels is accepted it is considered that the number of members on the area panel could be increased to ensure greater representation of parish and town council areas together with the non-parished wards within the area panel regions. It is recommended that Area panel sizes are increased to 11 members (up from 9 members).
- 3.4 The T&F group considers that substitutes should continue to be permitted, however considers that there should be a cut off time for substitutes to be confirmed for individual

meetings. It is recommended that substitutes should be confirmed a minimum of 24 hours prior to any panel meeting. This means that substitute members have time to prepare for meetings and fully read and research items on the agenda. It was initially considered that 48 hours would be appropriate however Democratic Services have indicated that 24 Hours would be more appropriate, help meet the quorum and still give substitutes time to read papers.

- 3.5 The group considers that increased panel member numbers would mean that the quorum would always be significantly exceeded at all meetings, even if some members can't attend at late notice and reduces the pressure to find substitutes at late notice.

Recommendation 2: Increase number of members on area panels to 11 with effect from May 2019.

Recommendation 3: No substitution of members to be permitted less than 24 hours before a Development Management Panel meeting.

Regularity of Panel meetings:

- 3.6 Discussion took place regards reducing the 4 weekly cycle to a monthly cycle and it was noted that a number of other Local Authorities had taken this approach. This would see meetings ordinarily being fixed for a certain Wednesday of the month.

For example:

Windsor Area Development Management Panel: 1st Wednesday of the Month,
Maidenhead Area Development Management Panel: 3rd Wednesday of the month,
Borough-Wide Development Management Panel: 2nd Wednesday of the Month.

Fixed monthly panel dates would also assist parish council's meet comment deadlines. This would also avoid annual conflicts fixed holidays e.g. Christmas and Easter. This could be picked up in the approval by Council of meeting schedules for the next municipal year. Democratic services have confirmed that this would be a workable set of arrangements.

Recommendation 4: Move all Development Management panels onto a monthly cycle from May 2019.

Borough-Wide Panel (and consideration of major items)

- 3.7 The T&F group agreed that the Borough-wide panel should only consider strategic applications with an impact that either affected the wider Borough or went beyond the Borough boundary. Applications that do not affect both the Maidenhead and the Windsor areas should be left to Area Panel decision making. Members of the Group considered that **all new major applications should be determined by Members** at an appropriate Panel **regardless of recommendation**.
- 3.8 It was discussed with Task and Finish group members that S73 applications and S73A applications should be excluded from the description of major development to be reported to panels. Members agreed that such variation applications are rarely contentious and take up a disproportionate amount of member time and agenda space. If they are contentious they can still be called before the panel using the Councillor call

in provision under part A) of the Constitution. Members of the group consider this to be an acceptable approach.

- 3.9 It is recommended by the T&F group that default position is that major applications are determined at Area Panels unless they are elevated to the Borough Panel, as set out in the Constitution, due to their wider or strategic impact on the Borough.

Recommendation 5: Members are keen to ensure member oversight through the lead member and panel chairs on which items are elevated to the Borough-wide Panel. The following wording is recommended:

Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

This arrangement recommended is similar to the previous Joint panel arrangements in previous versions of the constitution.

This Borough-Wide recommendation would be read in conjunction with a requirement for all major applications to be determined by Area Development Management panels unless elevated to the Borough Wide Panel.

The T&F group requested that an indicative draft of how this would look in constitutional form be prepared by officers. This is attached as Appendix 1.

Make-up of the Borough-wide Panel from (May 2019)

- 3.10 After the reduction in member numbers, and if Area Panel numbers are reduced to two as recommended, the group has discussed the size and makeup of the Borough-Wide Panel from May 2019.
- 3.11 The group considers that **13** members would be the ideal size for the Borough-Wide Development Management Panel.
- 3.12 The T& F group recommends that this should have a dedicated chair and would preferably be balanced with half (6) from the Windsor Area Development Management Panel members half (6) from Maidenhead Area Development Management Panel members.

Recommendation 6: From May 2019 the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough.

Authority for Enforcement items

- 3.13 It is the view of the group that enforcement items should be sent to Panel Chairman, copied to Ward Members (Ward members may be able to provide background to the Chairman and will have good knowledge of local area). The Panel Chairman would then decide whether an enforcement report should be called in to the Panel (In absence of Panel Chairman/or the non-response of the panel Chairman, the Vice Chairman to determine whether it should be called in) if the Chair does not wish to call the item in they would allow officers to proceed with the proposed action.
- 3.14 This would increase the speed enforcement decisions are made, reduce delays in process due to panel cycles but still maintain member oversight of decision making in enforcement.

Recommendation 7: That planning enforcement items should be reported to the chair of the relevant panel who can opt to call them before the relevant panel.

Combining Rights of Way and Highways Licensing Panel (ROWHLP) with planning panels.

- 3.15 The T&F group strongly disagreed with the Rights of Way and Highways Licensing Panel (ROWHLP) being merged into Planning Panels as it considered that there would have been a gap in knowledge and expertise for specialised matters in both fields.
- 3.16 The ROWHLP meetings are significantly less frequent than Planning Panel Meetings and ROWHLP meetings can be long and focused on single items, it would be difficult to predict agenda lengths particularly given uncertainty on what items will make any given planning agenda. ROWHLP matters are considered significant issues that deserve significant consideration in their own right rather than being appended to planning meetings. The Group is pleased that Full Council chose not to merge these meetings in May 2018.

Recommendation 8: That the Rights of Way and Highways Licensing Panel is not combined with any development management panel. (Full Council has since decided not to merge the panel into Planning Panels)

Rights to speak

- 3.17 The T&F group made an early recommendation that Head of Planning take a report to the O & S Panel on this matter. This has been actioned and members of PHOS resolved that; a report shall be taken to Full Council for approval recommending the conclusion of the trial.

Recommendation 9: This matter has already been actioned. Take through to full Council.

Physical location of Planning Meetings and technology available at Panels

- 3.18 The T&F group discussed the actual physical locations of panel venues and the equipment available at them. The Managing Director has given assurance that this is being looked at as part of wider review.
- 3.19 It is considered beneficial to residents that Area Planning Panels continue meeting in the areas they represent. It is considered that the Council should consider investing in better technology (video/audio/webcasting) for meetings.

Recommendation 10: Area Panels should continue to meet in respective areas unless this cannot be accommodated for a specific reason i.e. availability of venue of the right capacity. The Council should consider improved technology options for meetings.

5 TIMETABLE FOR IMPLEMENTATION

It is recommended to Council that the constitution is changed in two phases. A permanent set of arrangements (Appendix 1) would come into effect from 3rd May 2019 which would incorporate all the changes above. A second set of arrangements has been drafted which would cover the interim period, the interim arrangement would not affect the number of panels or number of members on those panels, but would achieve the other recommended improvements (Appendix 2).

The T&F group instructed Officers to draw up two sets of draft arrangements, these have subsequently been reviewed by members and finalised. The Groups final constitutional recommendations are included as appendices 1 & 2 of this report.

6 KEY IMPLICATIONS/ FINANCIAL DETAILS / VALUE FOR MONEY

The changes proposed are considered to significantly improve the efficiency of Planning Panel arrangements making best use of member and officer time. This is considered to be particularly valuable when member numbers reduce to 41.

The recommendations keep an appropriate level of member oversight on planning decisions.

Officers have advised the T&F group that the changes proposed by the T&F group would save administration, officer time and expense. The measures would also help maintain performance in the planning service.

It is noted that the arrangements would reduce room hire costs and mileage claims as well as other associated expenses of holding meetings.

Officers advised the group that they consider the groups recommendation would lead to some degree of financial saving to the Council.

7 LEGAL IMPLICATIONS

Officers have advised the T&F Group that the Council has the power to amend the constitution in the ways recommended by the group. This requires the approval of Full Council which is the purpose of this report.

8 CONSULTATION

Cllrs D Wilson, M Alexander, L Evans, P Love & D Hilton attended various meetings of the Task and Finish Group and contributed their views on areas for potential change. These members have also seen and contributed their views towards the final recommendations. The T&F group's recommendation have been to cabinet briefing were they were noted.

Cllr Dudley, Leader of the Council, has seen the recommendations and asked that it was noted that the group's recommendations had his full support for adoption in full.

Cllr David Coppinger, Lead member for Planning has reviewed the proposals and confirmed they have his full support.

The Executive Director Place, Head of Planning and Deputy Head of Planning have attended meetings of the group and provided support to it. Officers have confirmed that the changes proposed by the group would be implementable and provide a good set of working arrangements for Members and Officers that would not create additional barriers to decision making or increase costs.

The T&F group instructed Officers to draw up two sets of draft arrangements, these have subsequently been reviewed by members and finalised. These two sets of arrangements recommended for full adoption and are attached as Appendix 1 and 2.

9 SUMMARY OF RECOMMENDED CONSTITUTIONAL CHANGES:

- A. Combine the Windsor Area Development Management Panels (with effect from May 2019)
- B. Increase number of members on area panels to 11 with effect from May 2019. (No substitute members to be permitted less than 24 hours before a planning meeting)
- C. Move panel meetings on to a monthly cycle from May 2019 (as opposed to 4 weekly).
- D. Suggested mechanism for applications for be called to Borough-Wide Panel
- E. From May 2019 it is recommended that the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough along with a dedicated Chairperson.
- F. That planning enforcement items should be reported to the chair of the relevant panel (in consultation with Ward Members) who can opt to call them before the relevant area panel.
- G. That the Rights of Way and Highways Licensing Panel is not combined with any planning panel. (This has already been agreed by Full Council that the change will not be implemented)
- H. Area Panels should continue to meet in the respective areas that they represent. It is recommended that the Council should consider improved technology options for meetings.
- I. That the trial on Public Speaking is brought to an end. (note this has already been actioned)

10 APPENDICES

- i) Recommended Constitutional Planning Changes (with effect **from** May 3rd 2019) ("Permanent Changes")
- ii) Recommended Constitutional Changes (until 2nd May 2019) ("Interim Changes")

11 BACKGROUND DOCUMENTS

https://www3.rbwm.gov.uk/info/200110/about_the_council/910/council_constitution
[https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021 - council plan](https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021_-_council_plan)

APPENDIX 1

Constitutional recommendation from May 3rd 2019

(Referred to in report as the “Permanent Recommendation”)

Change to Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council (Recommendation to replace sections D3-D4 of the Constitution)

D3 Development Management Panels**D3.1 Purpose**Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

Area Development Management Panels

(i) Within the operating guidelines and budget approved by the Council the Area Development Management Panels will determine application other than those delegated to the Borough-wide Development Management Panel relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly List featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Area Development Management Panel (other than applications for Certificates of Lawfulness, **prior notification applications, Non-Material Amendments, conditions applications and Screening and Scoping Opinions**)

b. Where the application is for Major/large scale development (with the exception of S73 and S73a applications), **regardless of recommendation**, that has not been directed to the Borough-Wide Development Management Panel. Such development is defined as any one or more of the following:—

- the excavation, processing or working of minerals or the use of land for such uses;
- any development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;

- the provision of dwellings where—
 - (i) the number of dwellings to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

Note: “dwellings” includes a building constructed as a single occupation dwelling or a single flat within a contained within a building.

Note: Major S73 and S73A applications may still be called in to panel within the call in period, under provision (A) above.

c. Where a planning application proposes an increase of more than two dwellings (**net**) and the Head of Planning’s recommendation is to approve then the decision is made by the Area Development Management Panel unless the decision is delegated to the Head of Planning by the Chairman of the relevant Panel.

d. Where the Officer’s decision would reverse a previous decision of a Development Management Panel for the same development or would have the effect of preventing the proper implementation of any previous planning decision made by a Development Management Panel.

e. Where an emerging or approved Local Plan or other Policy or Guidance is in existence for a particular area or development type and the Officers recommendation on the application would be contrary to the Development Plan

f. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

g. Where a **planning** application **resulting in an increase in floor space** is made by the Council or the Council has land ownership interest in the site and objections have been received.

h. Where an application is made by an officer employed in a role which is part of or interacts with the planning application process and there are one or more objections or it is contrary to adopted planning policies.

i. Where in the opinion of the Head of Planning in consultation with the Lead Member for Planning, that it would not be appropriate to use delegated authority.

j. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or in a Conservation Areas or on Highways land may come to an Area Panel if the where the Head of Planning, in consultation with the Lead Member for Planning agree it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. Any notices for planning enforcement and listed building enforcement notices that the Head of Planning considers should be considered by the relevant Area Development

Management Panel. Any planning enforcement notices called in by the Panel Chair (see iv for all other Enforcement Notices)

(ii). All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above

(iii) To advise the Council, the Cabinet, the Planning and Housing Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

(iv) Delegated Authority for Enforcement notices: Recommendations for Enforcement Notices and listed building enforcement notices and relevant reports shall be prepared by officers. These reports shall be sent to the chair of the relevant Area Planning Committee (copied to the relevant ward members). The Chair shall decide whether or not to 'call in' the matter before the relevant Area Development Management Panel. If the item is not called in by the chair, Officers can proceed under delegated authority. If the chair of the relevant area panel is unavailable, or a response or holding response is not received within 48 hours the decision may be made by the vice chair of the panel.

D3.2 Membership of Development Management Panels

The Membership of Area Development Management Panels and substitutes will be selected at Annual Council as well as the Chairperson of the Borough-wide Development Management Panel

Borough-wide Panel

13 members

The Borough-Wide Panel shall have 13 members. One shall be the Chairperson. Where possible, the 12 other members should ideally be drawn equally from the two Area Development Management Panels (and relevant substitutes) in line with political balance.

Area Development Management Panels

There shall be two Area Development Management Panels who shall consider applications in the following wards:

- a) Maidenhead Area Development Management Panel – 11 Members
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Riverside, St Mary's

- b) Windsor Area Development Management Panel – 11 Members
Wards: Ascot & Sunninghill, Clewer and Dedworth East, Clewer and Dedworth West, Clewer East, Datchet, Eton & Castle, Horton and Wraysbury, South Ascot and Sunningdale,

A Cabinet Member may be a Member of a Development Management Panel but the Lead Members holding the portfolio or responsibility for Planning matters shall not be permitted to be member.

D3.3 Quorum

Maidenhead Area Development Management Panel – 3 Members
Windsor Area Development Management Panel – 3 Members
Borough-wide Development Management Panel – 4 Members

D3.4 Frequency

Meetings will of Panels be arranged on a monthly cycle. Where possible meetings should be arranged as follows:

Windsor Area Development Management Panel – 1st Wednesday of each month
Borough-wide Development Management Panel – 2nd Wednesday of each month
Maidenhead Area Development Management Panel – 3rd Wednesday of each month

Note: While the dates are ideally fixed they may be subject to change for reasons such as venue availability issues.

D3.5 Substitute Members

No substitutes shall be permitted, unless the substitute has been identified to democratic service at least 24 hours in advance of the start of the panel meeting.

APPENDIX 2

Constitutional recommendation until May 2nd 2019

(Referred to in report as the “Interim Recommendation”)

Change to Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council (Recommendation to replace sections D3-D4 of the Constitution)

D3 Development Management Panels**B3.1 Purpose**Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

Area Development Management Panels

(i) Within the operating guidelines and budget approved by the Council the Area Development Management Panels will determine application other than those delegated to the Borough-wide Development Management Panel relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly List featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Area Development Management Panel (other than applications for Certificates of Lawfulness, **prior notification applications, Non-Material Amendments, conditions applications and Screening and Scoping Opinions**)

b. Where the application is for Major/large scale development (with the exception of S73 and S73a applications), **regardless of recommendation**, that has not been directed to the Borough-Wide Development Management Panel. Such development is defined as any one or more of the following:—

- the excavation, processing or working of minerals or the use of land for such uses;
- any development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;
- the provision of dwellings where—

- (i) the number of dwellings to be provided is 10 or more; or
- (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

Note: "dwellings" includes a building constructed as a single occupation dwelling or a single flat within a contained within a building.

Note: Major S73 and S73A applications may still be called in to panel within the call in period, under provision (A) above.

c. Where a planning application proposes an increase of more than two dwellings (net) and the Head of Planning's recommendation is to approve then the decision is made by the Area Development Management Panel unless the decision is delegated to the Head of Planning by the Chairman of the relevant Panel.

d. Where the Officer's decision would reverse a previous decision of a Development Management Panel for the same development or would have the effect of preventing the proper implementation of any previous planning decision made by a Development Management Panel.

e. Where an emerging or approved Local Plan or other Policy or Guidance is in existence for a particular area or development type and the Officers recommendation on the application would be contrary to the Development Plan

f. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

g. Where a planning application resulting in an increase in floor space is made by the Council or the Council has land ownership interest in the site and objections have been received.

h. Where an application is made by an officer employed in a role which is part of or interacts with the planning application process and there are one or more objections or it is contrary to adopted planning policies

i. Where in the opinion of the Head of Planning in consultation with the Lead Member for Planning, that it would not be appropriate to use delegated authority.

j. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or in a Conservation Areas or on Highways land may come to an Area Panel if the where the Head of Planning, in consultation with the Lead Member for Planning agree it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. Any notices for planning enforcement, trees and listed building enforcement notices that the Head of Planning considers should be considered by the relevant Area Development Management Panel. Any planning enforcement notices called in by the Panel Chair (see iii for all other Enforcement Notices)

m. (ii). All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above

(ii) To advise the Council, the Cabinet, the Planning and Housing Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

(iii) Delegated Authority for Enforcement notices: Recommendations for Enforcement notices and listed building enforcement notices and relevant reports shall be prepared by officers. These reports shall be sent to the chair of the relevant Area Planning Committee (copied to the relevant ward members). The Chair shall decide whether or not to 'call in' the matter before the relevant Area Development Management Panel. If the item is not called in by the chair, Officers can proceed under delegated authority. If the chair of the relevant area panel is unavailable, or a response or holding response is not received within 48 hours the decision may be made by the vice chair of the panel.

D3.2 Membership of Development Management Panels

The Membership of all Development Management Panels and substitutes will be selected at Annual Council.

Borough-wide Panel

15 members

Area Development Management Panels

There shall be three Area Development Management Panels who shall consider applications in the following wards:

- a) Maidenhead Development Management Panel – 9 Members
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Maidenhead Riverside.
- b) Windsor Rural Development Management Panel – 9 Members
Wards: Ascot & Cheapside, Horton & Wraysbury, Old Windsor, Sunningdale and Sunninghill & South Ascot.
- c) Windsor Urban Development Management Panel – 9 Members

Wards: Castle Without, Clewer North, Clewer South, Clewer East, Eton and Castle, Eton Wick, Datchet, Park

A Cabinet Member may be a Member of a Development Management Panel but the Lead Members holding the portfolio or responsibility for Planning matters shall not be permitted to be member.

D3.3 Quorum

Maidenhead Development Management Panel – 3 Members

Windsor Rural Development Management Panel – 3 Members

Windsor Urban Development Management Panel – 3 Members

Borough-wide Development Management Panel – 4 Members

D1.4 Frequency

Area Panels - Every four weeks

Borough-wide – Every four weeks